

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

3/3/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CV 03-00385SOM-LEK

CASE NAME: Wayne Berry vs. HI Express Service, Inc., et al.

ATTYS FOR PLA: Timothy Hogan  
Wesley Ichida

ATTYS FOR DEFT: Michael Baumann  
Damian Capozzola  
Lyle Hosoda  
Raina Mead

INTERPRETER:

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JUDGE: Susan Oki Mollway

REPORTER: Steve Platt

DATE: 3/3/2006

TIME: 8:00 - 11:40

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COURT ACTION: EP: Further Jury Trial - 4<sup>th</sup> Day -

Jurors not present.

Jury instructions placed in the record.

Discussion held re: special verdict form and exhibits.

9:10 a.m. - Jurors present.

Plaintiff's Rebuttal Witnesses: Wayne Berry (recalled) and Thomas Ueno (recalled).

Jurors excused.

Defendants' Renewed Motion to Strike - Denied.

Jurors present.

Plaintiff's Rebuttal Witness: Thomas Ueno (resumed).

Plaintiff rests 10:20 a.m.

Defendants' Motion for Judgment as a Matter of Law - taken under advisement.

Closing arguments by the parties.

Any evidentiary rulings that the Court had previously reserved are not in evidence.

Plaintiff's Motion for Issuance of Permanent Injunction and Order Directing Return, Destruction or Other Reasonable Disposition of All Copies of Freight Control System set for 3/6/06 @ 9:00 a.m. SOM is continued to 3/7/06 @ 9:45 a.m.

Further Jury Trial continued to 3/7/06 @ 9:00 a.m.

Submitted by: Toni Fujinaga, Courtroom Manager.